



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,630	07/19/2001	Yakov Kamen	4688.P035	9979

33448 7590 07/19/2004

ROBERT J. DEPKE LEWIS T. STEADMAN
HOLLAND & KNIGHT LLC
131 SOUTH DEARBORN
30TH FLOOR
CHICAGO, IL 60603

EXAMINER

CASCHERA, ANTONIO A

ART UNIT PAPER NUMBER

2676

DATE MAILED: 07/19/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,630

Applicant(s)

KAMEN, YAKOV

Examiner

Antonio A Caschera

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 04/29/2004.

Priority

2. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 119(e).

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The filing date of provisional application claimed benefit from is incorrect as the filing date should read, "October 19, 2000," (see page 2 of Declaration).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 11, 12, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohno et al. (U.S. Patent 6,462,784 B1) in view of Microsoft Sound Recorder 4.0, Software included in Microsoft Windows, Microsoft Corp. © 1981-1998.

In reference to claim 1, Kohno et al. discloses an apparatus and method for displaying program contents (see column 1, lines 6-12) utilizing a monitor device, integrated receiver/decoder and remote commander (see column 5, lines 30-32). Kohno et al. discloses the remote commander acting as a selecting means to select on-air programming information in an EPG (see column 7, lines 34-40). Kohno et al. also discloses modifying an attribute associated with the object by a predetermined modification of the object each time it is selected (see column 10, lines 25-37 and Figures 12A and 12B). Note the office interprets the “incremental amount” to be substantially similar to the changing of the color scheme of the selected “key” of Kohno et al. each time it is selected. Kohno et al. discloses displaying the changed color scheme of the “key” (see Figures 12A, 12B and 13). Kohno et al. does not explicitly disclose modification of the attribute occurring a plurality of times in a common direction however Microsoft Sound Recorder 4.0 does. Microsoft Sound Recorder 4.0 discloses a music style interface with forward, reverse, play, stop and record buttons (see screenshot #1). Microsoft Sound Recorder 4.0 discloses that when the play button is depressed, a sound file is played and the “disabled” attribute of the play button becomes active as the play button is no longer available to depress (see screenshot #2). Microsoft Sound Recorder 4.0 further discloses that in such state, the button graphical color of the triangle

is painted gray (see screenshot #2). Microsoft Sound Recorder 4.0 further discloses the play button to return to a “enable” state when the file is done playing (see screenshot #1). Note, the office interprets that the “disabled” attribute of the play button allows for an incremental change in the play button object’s color attribute which changes in only one direction, from black to gray to black again (black, when a sound file is ready to be played, gray while playing the sound file and black again when the file is finished playing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the button object attribute modification techniques of Microsoft Sound Recorder with the EPG of Kohn et al. in order to provide the user interface of the EPG a clear and concise state of each depressible object creating an easier to use, clear and concise display of TV programming data.

In reference to claim 2, Kohno et al. and Microsoft Sound Recorder 4.0 disclose all of the claim limitations as applied to claim 1 above in addition, Kohno et al. discloses lightening and darkening the color of the “key” in accordance with its selection state (see column 10, lines 31-37).

In reference to claim 11, Kohno et al. discloses an apparatus and method for displaying program contents (see column 1, lines 6-12) utilizing a monitor device, integrated receiver/decoder and remote commander (see column 5, lines 30-32). Kohno et al. discloses the remote commander acting as a selecting means to select on-air programming information in an EPG (see column 7, lines 34-40). Kohno et al. also discloses modifying an attribute associated with the object by a predetermined modification of the object each time it is selected (see column 10, lines 25-37 and Figures 12A and 12B). Note the office interprets the “incremental amount” to be substantially

similar to the changing of the color scheme of the selected “key” of Kohno et al. each time it is selected. Kohno et al. discloses displaying the changed color scheme of the “key” (see Figures 12A, 12B and 13). Kohno et al. discloses a control program unit (see #62 of Figure 5) that creates monitor display data and the input/output section (#64 of Figure 5) to produce monitor display signals which the office interprets as substantially similar to a third unit displaying modified object data. Kohno et al. does not explicitly disclose a second unit for modifying the object however it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the modifying step in a second unit as the office sees such a limitation, the location in hardware of the modifying step, as a matter of design choice as seen by the designer. Further, the location and separation of steps into hardware units provides no immediate criticality towards the application at hand as it is directed towards the displaying of EPG data objects. Kohno et al. does not explicitly disclose modification of the attribute occurring a plurality of times in a common direction however Microsoft Sound Recorder 4.0 does. Microsoft Sound Recorder 4.0 discloses a music style interface with forward, reverse, play, stop and record buttons (see screenshot #1). Microsoft Sound Recorder 4.0 discloses that when the play button is depressed, a sound file is played and the “disabled” attribute of the play button becomes active as the play button is no longer available to depress (see screenshot #2). Microsoft Sound Recorder 4.0 further discloses that in such state, the button graphical color of the triangle is painted gray (see screenshot #2). Microsoft Sound Recorder 4.0 further discloses the play button to return to a “enable” state when the file is done playing (see screenshot #1). Note, the office interprets that the “disabled” attribute of the play button allows for an incremental change in the play button

object's color attribute which changes in only one direction, from black to gray to black again (black, when a sound file is ready to be played, gray while playing the sound file and black again when the file is finished playing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the button object attribute modification techniques of Microsoft Sound Recorder with the EPG of Kohn et al. in order to provide the user interface of the EPG a clear and concise state of each depressible object creating an easier to use, clear and concise display of TV programming data.

In reference to claims 12 and 22, Kohno et al. and Microsoft Sound Recorder 4.0 disclose all of the claim limitations as applied to claims 11 and 21 respectively in addition, Kohno et al. discloses lightening and darkening the color of the "key" in accordance with its selection state (see column 10, lines 31-37).

In reference to claim 21, Kohno et al. discloses an apparatus and method for displaying program contents (see column 1, lines 6-12) utilizing a monitor device, integrated receiver/decoder and remote commander (see column 5, lines 30-32). Kohno et al. discloses an input/output section that receives a selection of an object from the remote commander (see column 7, lines 13-15 and 34-40). Kohno et al. also discloses modifying an attribute associated with the object by a predetermined modification of the object each time it is selected (see column 10, lines 25-37 and Figures 12A and 12B). Note the office interprets the "incremental amount" to be substantially similar to the changing of the color scheme of the selected "key" of Kohno et al. each time it is selected. Kohno et al. discloses displaying the changed color scheme of the "key" (see Figures 12A, 12B and 13). Although Kohno et al. discloses a data unit holding EPG and

monitor display data (see #63 of Figure 5), Kohno et al. does not explicitly disclose a machine-readable storage medium embodying a sequence of instructions executable to perform modifying EPG display information however it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the EPG display/generation method of Kohno et al. with the program information object modifying methods of Bedard on a machine-readable storage medium in order to allow for the EPG to be accessible multiple times, allowing for the system to remember previously visited or "favorite" broadcasts. Further, Kohno et al. discloses a CPU (see #60 of Figure 5) to perform processing which is well known in the art to execute some sort of instructions for processing data which are well known in the art to be stored on some sort of readable medium. Kohno et al. does not explicitly disclose modification of the attribute occurring a plurality of times in a common direction however Microsoft Sound Recorder 4.0 does. Microsoft Sound Recorder 4.0 discloses a music style interface with forward, reverse, play, stop and record buttons (see screenshot #1). Microsoft Sound Recorder 4.0 discloses that when the play button is depressed, a sound file is played and the "disabled" attribute of the play button becomes active as the play button is no longer available to depress (see screenshot #2). Microsoft Sound Recorder 4.0 further discloses that in such state, the button graphical color of the triangle is painted gray (see screenshot #2). Microsoft Sound Recorder 4.0 further discloses the play button to return to a "enable" state when the file is done playing (see screenshot #1). Note, the office interprets that the "disabled" attribute of the play button allows for an incremental change in the play button object's color attribute which changes in only one direction, from black to gray to black again (black, when a sound file is ready to be played, gray

while playing the sound file and black again when the file is finished playing). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the button object attribute modification techniques of Microsoft Sound Recorder with the EPG of Kohn et al. in order to provide the user interface of the EPG a clear and concise state of each depressible object creating an easier to use, clear and concise display of TV programming data.

5. Claims 3-10, 13-20, and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohno et al. (U.S. Patent 6,462,784 B1), Microsoft Sound Recorder 4.0, Software included in Microsoft Windows, Microsoft Corp. © 1981-1998 and further in view of Bedard (U.S. Patent 5,793,438).

In reference to claims 3,13 and 23, Kohno et al. and Microsoft Sound Recorder 4.0 disclose all of the claim limitations as applied to claims 1, 11 and 21 respectively however neither Kohno et al. nor Microsoft explicitly disclose modifying the shape of the object, Bedard does. Bedard discloses an Electronic Program Guide which presents program guide information in table form at different levels of resolution (see lines 1-3 of abstract). Bedard discloses the EPG to comprise of a first table showing channel names, times and program content represented as square (see #502), sometimes shaded (#504), objects (see Figure 5 of Bedard). Bedard also disclose a magnified table (#510) overlaid over base table (#502) which magnifies the program content object and turns the square into a rectangle with text to describe the program information (see Figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the EPG of Kohno et al. and button object attribute modification techniques of Microsoft with the program information object shape changing of Bedard in order to

display an EPG which presents at least five hours of scheduling information while meeting the limitations of the television screen's resolution (see column 2, lines 15-19 of Bedard).

In reference to claims 4, 14 and 24, Kohno et al. and Microsoft Sound Recorder 4.0 disclose all of the claim limitations as applied to claims 1, 11 and 21 respectively however neither Kohno et al. nor Microsoft explicitly disclose modifying the 3D position of the object, Bedard does. Bedard discloses an Electronic Program Guide which presents program guide information in table form at different levels of resolution (see lines 1-3 of abstract). Bedard discloses the EPG to comprise of a first table showing channel names, times and program content represented as square (see #502), sometimes shaded (#504), objects (see Figure 5 of Bedard). Bedard also disclose a magnified table (#510) overlaid over base table (#502) which magnifies the program content object and turns the square into a rectangle with text to describe the program information (see Figure 5). Since the magnified table (#510 of Figure 5) displays an enlarged, detailed view of the current program information at a certain time slot by creating the effect that the magnified object is closer to the user than the smaller square program information objects (#503, 504 of Figure 5), the office interprets such a detailed view as being substantially similar to modifying a 3D position of the object. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the EPG of Kohno et al. and button object attribute modification techniques of Microsoft with the program information object 3D position changing of Bedard in order to display an EPG which presents at least five hours of scheduling information while meeting the limitations of the television screen's resolution (see column 2, lines 15-19 of Bedard).

In reference to claims 5, 15 and 25, Kohno et al. and Microsoft Sound Recorder 4.0 disclose all of the claim limitations as applied to claims 1, 11 and 21 respectively however neither Kohno et al. nor Microsoft explicitly disclose resetting the object with a default attribute when an expiration value limit is reached, Bedard does. Bedard discloses an Electronic Program Guide which presents program guide information in table form at different levels of resolution (see lines 1-3 of abstract). Bedard discloses the EPG to comprise of a first table showing channel names, times and program content represented as square (see #502), sometimes shaded (#504), objects (see Figure 5 of Bedard). Bedard also disclose a magnified table (#510) overlaid over base table (#502) which magnifies the program content object and turns the square into a rectangle with text to describe the program information (see Figure 5). Bedard discloses operating horizontal cursor keys to shift the magnified table (#510 of Figure 5) along the table (#502) to display titles of different programming broadcast at other time slots (see column 5, lines 13-16). From the above disclosure and Figure 5, the office interprets the previously magnified program information objects to return to their default "icon" orientation after a shift of the magnified table is executed by the viewer/user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the EPG of Kohno et al. and button object attribute modification techniques of Microsoft with the program information object 3D position changing of Bedard in order to display an EPG which presents at least five hours of scheduling information while meeting the limitations of the television screen's resolution (see column 2, lines 15-19 of Bedard).

In reference to claims 6, 16 and 26, Kohno et al., Microsoft Sound Recorder 4.0 and Bedard discloses all of the claim limitations as applied to claims 5, 15 and 25 respectively above however neither Kohno et al., Microsoft nor Bedard explicitly disclose the expiration value, recited in claim 5 above, to be a time limit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a time limit expiration value when resetting program information object attributes to their default values in order to offer an original-look EPG so the view/user can restart the tracking of his/her most viewed/inquired program broadcastings. Further, it is well known in the art to implement the expiration value as time as many devices utilizing on-screen display techniques, such as televisions, incorporate timed menus whereby if a view/user does not touch a remote key in a given time period the menu is cleared from the display.

In reference to claims 7, 17 and 27, Kohno et al., Microsoft Sound Recorder 4.0 and Bedard discloses all of the claim limitations as applied to claims 5, 15 and 25 respectively above. Kohno et al. also discloses modifying an attribute associated with the object by a predetermined modification of the object each time it is selected (see column 10, lines 25-37 and Figures 12A and 12B). The office interprets such a modification of the program information object when it is selected to be substantially similar to modifying the object based upon frequency of object selection.

In reference to claims 8-10, 18-20 and 28-30, Kohno et al. and Microsoft Sound Recorder 4.0 disclose all of the claim limitations as applied to claims 1, 11 and 21 however neither Kohno et al. nor Microsoft explicitly disclose the object being a programming time slot, Bedard does. Bedard discloses an Electronic Program Guide

which presents program guide information in table form at different levels of resolution (see lines 1-3 of abstract). Bedard discloses the EPG to comprise of a first table showing channel names, times and program content represented as square (see #502), sometimes shaded (#504), objects (see Figure 5 of Bedard). Bedard also disclose a magnified table (#510) overlaid over base table (#502) that magnifies the programming time slot and program information object to further show AM or PM times and text describing the program information object (see Figure 5). Bedard does not explicitly disclose modifying the channel selection field however the office sees this limitation as a matter of design choice as viewed by the designer. Further, the same techniques for modifying a programming time slot or program information object can be applied to the channel selection field. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the predetermined modifying of a "key" each time it is selected disclosed by Kohno et al. and button object attribute modification techniques of Microsoft with the modifications to the programming time slots and program information objects of Bedard in order to create and display an EPG which presents at least five hours of scheduling information while meeting the limitations of the television screen's resolution (see column 2, lines 15-19 of Bedard) while allowing the view/user to keep track of what he/she has selected from the EPG.

Response to Arguments

6. Applicant's arguments, see pages 7-8, filed 04/29/2004, with respect to the rejection(s) of claim(s) 1-30 under Kohno and Bedard have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of the Kohno, Bedard and the Microsoft Corp © 1981-1998.

References Cited

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Lasky (U.S. Patent 6,367,078 B1)
 - Lasky discloses underlining a visiting program object in an EPG.
- b. Arai et al. (U.S. Patent 6,486,920 B1)
 - Arai et al. discloses highlighting program broadcasts in an EPG like display by changing the colors of the program object.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (703) 305-1391. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (703)-308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:


(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

aac

6/21/04


ULKA J. CHAUHAN
PRIMARY EXAMINER